

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4027 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAVJIBHAI M PATEL

Versus

DIRECTOR GENERAL OF POLICE, GUJ. STATE & ANR.

Appearance:

Mr. Hardik Raval for Petitioner
Mr. N.N. Pandya for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/07/96

ORAL JUDGMENT

The petitioner, Police Head Constable, Gr.II, Traffic Branch, Ahmedabad, filed this Special Civil Application challenging thereunder the action of the respondents to transfer him from Ahmedabad to Jamnagar.

2. The petitioner has stated in the Special Civil Application that he reliably came to know that he is being transferred by the order of respondent dated 31st

July 1984. On 2.8.84, this Court has issued Rule and ad-interim stay of operation of order of transfer, if charge is not already taken away or given over.

3. The petitioner has not filed copy of the order of transfer before this Court till this date. In absence of order of transfer made, this Court is not in a position to quash the same. In the case of Surinder Singh v. Central Government and others, reported in AIR 1986 SC 2166, the Hon'ble Supreme Court has held that the order impugned in the Special Civil Application should be filed by the petitioner. In this Special Civil Application, the order impugned is the transfer order dated 31st July 1984, which order has not been filed by the petitioner on record. Be that as it may. This Court has protected the petitioner by ad-interim stay order and this stay order continues till this date. Interest of justice will be met in case this Special Civil Application is disposed of with directions to respondent that the said order of transfer be not given effect. However, this order will not come in way of respondents to make a fresh order for transfer of petitioner, if administrative exigencies so warrant.

4. This writ petition stands disposed of in aforesaid terms. Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)